

## **Counsel Listed on Signature Page**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CRYPTOGRAPHY RESEARCH, INC.,

Case No. C 04-04143 JW (HRL)

**Plaintiff,**

**STIPULATION AND [PROPOSED] ORDER  
REGARDING HEARING ON PLAINTIFF  
CRYPTOGRAPHY RESEARCH, INC.'S MOTION  
TO COMPEL PRODUCTION OF VISA U.S.A.  
DOCUMENTS BY DEFENDANT VISA  
INTERNATIONAL SERVICES ASSOCIATION AND  
ITS AFFILIATE VISA U.S.A., INC.**

v.  
VISA INTERNATIONAL SERVICE  
ASSOCIATION.

Judge: Hon. Howard R. Lloyd

**FENWICK & WEST LLP**  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

## Defendant.

## Defendant

~~[PROPOSED]~~ ORDER

Case No. C 04-04143 JW (HRL)

1 Plaintiff Cryptography Research, Inc. (“CRI”), Defendant Visa International Service  
 2 Association (“Visa International”) and Visa U.S.A., Inc. (“Visa USA”) submit the following  
 3 Stipulation and Proposed Order concerning scheduling of the hearing on CRI’s Motion to Compel  
 4 Production of Visa USA Documents by Defendant Visa International Services Association and its  
 5 Affiliate Visa USA, currently scheduled for February 14, 2005.

6 **RECITALS**

7 On January 10, 2006, CRI filed a motion to compel production of Visa USA documents  
 8 from Visa International and Visa USA. In the motion to compel, CRI asserted that Visa  
 9 International controls Visa USA documents, and is thus obligated to produce them. CRI further  
 10 asserted that Visa USA’s objections and refusals to produce certain categories of documents were  
 11 without merit. Visa International and Visa USA dispute the assertions in CRI’s motion.

12 On January 17, 2006, Visa USA, through new counsel engaged after the meet and confer  
 13 efforts prior to the filing of CRI’s motion to compel, wrote to CRI’s counsel, stating that he  
 14 represented Visa USA and that he believed “the issues raised by the motion can be narrowed, if  
 15 not eliminated, through further dialog.” On January 19, 2006, Visa USA represented that “Visa  
 16 USA has agreed to produce non-privileged responsive documents (if any are located) in response  
 17 to each of the categories addressed in the pending motion.” Visa USA further represented that it  
 18 would clarify its position by serving amended responses to CRI’s subpoena.

19 Visa International and Visa USA have requested that CRI postpone or withdraw CRI’s  
 20 motion to compel. Based on this request, and the representations made by Visa USA’s counsel,  
 21 CRI is willing to stipulate to a 2-week continuance of the hearing on its motion to compel to  
 22 permit the parties to further attempt to narrow or eliminate the issues regarding Visa USA  
 23 documents.

24 **STIPULATION**

25 Based on the foregoing, the parties stipulate that:

26 1. The hearing on CRI’s Motion to Compel Production of Visa USA Documents by  
 27 Defendant Visa International Services Association and Its Affiliate Visa U.S.A., Inc. shall be  
 28 continued to February 28, 2006.

1           2.       Oppositions to CRI's Motion to Compel Production of Visa USA Documents by  
2 Defendant Visa International Services Association and Its Affiliate Visa U.S.A., Inc. shall be  
3 continued to February 7, 2006. The deadline for CRI's reply shall be continued to February 14,  
4 2006.

5           IT IS SO STIPULATED:

6           Dated: January 23, 2006

7           FENWICK & WEST LLP

8           By: /s/ Jedediah Wakefield

9           One of its attorneys

10           LYNN H. PASAHOW (CSB No. 054283)  
11           lpasahow@fenwick.com  
12           J. DAVID HADDEN (CSB No. 176148)  
13           dhadden@fenwick.com  
14           JEDEDIAH WAKEFIELD (CSB No. 178058)  
15           jwakefield@fenwick.com  
16           DARREN E. DONNELLY (CSB No. 194335)  
17           ddonnelly@fenwick.com  
18           DAVID D. SCHUMANN (CSB No. 223936)  
19           dschumann@fenwick.com  
20           RYAN A. TYZ (CSB No. 234895)  
21           rtyz@fenwick.com

22           FENWICK & WEST LLP  
23           Silicon Valley Center  
24           801 California Street  
25           Mountain View, CA 94041  
26           Telephone: (650) 988-8500  
27           Facsimile: (650) 938-5200

28           Attorneys for Plaintiff,  
29           CRYPTOGRAPHY RESEARCH, INC.

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

1 Dated: January 23, 2006

PEPPER HAMILTON LLP

3 By: /s/ Willard Burns

4 One of its attorneys

5 JOSEPH MELNIK  
6 melnikj@pepperlaw.com  
7 WILLARD BURNS  
8 burnsW@pepperlaw.com

9 PEPPER HAMILTON LLP  
10 50th Floor  
11 500 Grant Street  
12 Pittsburgh, PA 15219-2502  
13 Phone: 412.454.5812  
14 Fax: 412.281.0717

15 Attorneys for Defendant  
16 VISA INTERNATIONAL SERVICE ASSOCIATION.

17 Dated: January 23, 2006

18 FARELLA BRAUN & MARTELL LLP

19 By: /s/ Roderick M. Thompson  
20 One of its attorneys

21 RODERICK M. THOMPSON  
22 rthompson@fbm.com

23 FARELLA BRAUN & MARTELL LLP  
24 Russ Building/235 Montgomery Street  
25 San Francisco, CA 94104  
26 Phone: 415.954.4400  
27 Fax: 415.954.4480

28 Attorneys for Third Party  
VISA USA, INC.

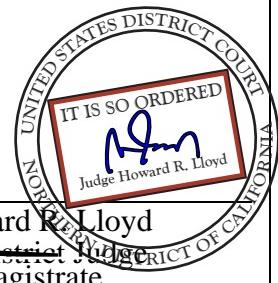
1

2 IT IS SO ORDERED  
3

4 Dated: 1/24/06 \_\_\_\_\_  
5

By: /s/ Howard R. Lloyd  
6

Honorable Howard R. Lloyd  
United States District Court  
Magistrate  
7



8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW